



U.S. Immigration  
and Customs  
Enforcement

April 15, 2019

Jimmy Tobias  
Filed via MuckRock.com  
DEPT MR 47755  
411A Highland Ave  
Somerville, MA 02144-2516

**RE: 2019-ICAP-00283 2018-ICFO-21766**

Dear Mr. Tobias:

This is in response to your email transmitted on March 11, 2019, and received on March 20, 2019, appealing the U.S. Immigration and Customs Enforcement's (ICE) response to your Freedom of Information Act (FOIA) request. Your January 19, 2018, FOIA request sought "all emails, memos, letters and/or reports sent or received by the ICE Deputy Field Office Director in New York, Scott Mechkowski, that contains one or more of the following words or phrases: "Judson Memorial Church," "Judson," "New Sanctuary," "Ragbir," "Montrevil," and/or "Schaper."

By letter dated March February 11, 2019, the ICE FOIA Office advised you that a "search of the ICE Enforcement and Removal Operations for records responsive to your request produced 231 pages that are responsive to your request." Further, the ICE FOIA Office stated that 34 of those pages will be released in their entirety and portions of the remaining 197 pages would be withheld pursuant to exemptions of the FOIA. You have appealed the adequacy of the search, the withholdings applied, and requested a *Vaughn* index.

With respect to the search, upon a complete review of the administrative record and the search documentation which led to the determination on your FOIA request, the search was adequate in all respects and was reasonably calculated to uncover all relevant documents. Therefore, ICE affirms the adequacy of the search conducted on your FOIA request.

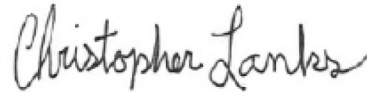
With respect to the withholdings, after a review of the administrative record, ICE has determined that information previously withheld may be releasable to you under FOIA. Therefore, ICE is remanding your appeal to the ICE FOIA Office for reprocessing of the responsive records for release to you of any non-exempt information.

With regard to the request for the creation of a *Vaughn* index, this request is premature as requestors are not entitled to a complete list of responsive documents and explanation of withholdings during the administrative process. *Bangoura v. U.S. Dep't of the Army*, 607 F.Supp.2d 134, 143 n.8 (D.D.C. 2009). The creation of a *Vaughn* index is generally required in connection with a motion for summary judgment filed by a defendant in a civil action pending in court. *See Schwarz v. U.S. Dep't of Treasury*, 131 F.Supp.2d 142,147 (D.D.C. 2000).

Inasmuch as you consider this to be a denial of your appeal, you may obtain judicial review of this decision pursuant to the provisions of 5 U.S.C. § 552(a)(4)(B) in the United States District Court in the district in which you reside or have a principal place of business, or in which the agency records are situated, or in the District of Columbia.

Should you have any questions regarding this appeal remand, please contact ICE at [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov). In the subject line of the email, please include the word “appeal,” the appeal number, which is **2019-ICAP-00283**, and the FOIA case number, which is **2018-ICFO-21766**.

Sincerely,

A handwritten signature in black ink that reads "Christopher Lankes". The signature is written in a cursive, flowing style.

for  
Shiraz Panthaky  
Chief  
Government Information Law Division  
ICE Office of the Principal Legal Advisor  
U.S. Department of Homeland Security